

26.04.2024
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 1087 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2024 in connection with Indpur Police Station Case No.40 of 2022 dated 18.05.2022 under Sections 363/365/34 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/366 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Sujit Bauri***

... .. Petitioner

Mr. Riddhiman Mukherjee
Mr. Arkaprabho Roy

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Arijit Ganguly
Md. Mudassar Nazar Chowdhury

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and eight months. It is further submitted there was free mixing between the petitioner and the victim. Victim has already been examined. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record including the evidence of the victim. She stated her father lodged the case as the petitioner had refused to marry her. This supports the defence version. There was free mixing between two young persons. Vulnerable witness i.e. the victim has already been examined. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Sujit Bauri***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Judge, Special Court under the POCSO Act, Khatra, Bankura subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)